

Appl. No. 09/913,869
Atty. Docket No. 7442
Amdt. dated March 8, 2006
Reply to Office Action of December 29, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1, 10-12, 15, 16, 18-26 and 41-46 were previously pending in the present application. Claims 1, 10, 15, 16, 18-21, 26 and 41-46 are canceled by this amendment. Upon entry of this amendment Claim 11 and 22-25 are pending in the application. No additional claims fee is believed to be due.

Dependent Claim 11 has been amended to incorporate the limitations of original independent Claim 1. Support for the amendment is found in the originally presented Claims 1 and 11. The word "capped" has not been included in the incorporated limitations from Claim 1. Support for "nonionic surfactants" alone can be found from page 4, line 5 to page 5, line 6 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that Claim 11, and 22-25 would be allowable if rewritten in independent form including all of the limitations of rejected claims they are dependent upon. By the amendments presented, applicants have incorporated the limitations of original Claim 1 into Claim 11. Since Claims 22-25 are dependent on Claim 11, Applicants assume that no amendment is necessary since those claims are dependent on an allowable claim.

Rejection Under 35 USC §112, Second Paragraph

The Examiner has rejected Claim 1 under 35 U.S.C. §112, second paragraph, as being indefinite, stating that the "capped nonionic surfactant" is represented by a formula that allows for uncapped surfactants. By the amendment presented, the word "capped" has been removed from the description of the nonionic surfactant. Applicants submit that this amendment resolves any ambiguity in the claim and, therefore requests that the rejection of Claim 1 under 35 U.S.C. §112, second paragraph be withdrawn.

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Rejections Under 35 USC §103(a)

Claims 1, 12, 15, 16, 26, 41-43, and 46 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,510,047. Claims 1 and 46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 6,211,129. Claims 1, 10, 18-21, 44, and 45 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,405,484. By the amendments presented, Claims 1, 10, 12, 15, 16, 18-21, 26, and 41-46 have been canceled. Therefore, Applicants submit that the rejections of those claims under 35 U.S.C. §103(a) are moot and should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §§ 112, second paragraph and 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 11, and 22-25 is respectfully requested.

Respectfully submitted,

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